

Report Date: July 7, 2015

**United States District Court**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

**7/8/15****Eastern District of Washington**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Kenneth Delano

Case Number: 0980 2:08CR00058-RHW-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: October 23, 2008

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. §§ 922(g)(1) and 924

Original Sentence: Prison - 86 months; Type of Supervision: Supervised Release  
TSR - 36 months

Asst. U.S. Attorney: U.S. Attorney's Office Date Supervision Commenced: May 14, 2015

Defense Attorney: Federal Defenders Office Date Supervision Expires: May 13, 2018

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**PETITIONING THE COURT****To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><b><u>Mandatory Condition # 2:</u></b> The defendant shall not commit another Federal, state, or local crime.</p> <p><b><u>Supporting Evidence:</u></b> Kenneth Delano violated conditions of his supervised release by being arrested for city assault on July 2, 2015. At approximately, 10:54 p.m., law enforcement was called to a location near the offender's apartment. Specifically, the alleged victim and/or witness called to report that Mr. Delano assaulted another male by punching him in the head several times. Initially, law enforcement was not able to locate the offender; however, they were summoned to the same location shortly after Mr. Delano returned.</p> <p>According to the incident report, Mr. Delano refused to talk about the alleged incident between him and the victim. It was noted in the report that he informed law enforcement that he could not remember anything. Consequently, Mr. Delano was arrested for city assault and booked into the Spokane County Jail under criminal citation number 5Z0490744.</p>
2	<p><b><u>Special Condition # 15:</u></b> You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability.</p>

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You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

**Supporting Evidence:** Kenneth Delano violated conditions of his supervised release by failing to participate in substance abuse counseling since supervision commenced on May 14, 2015, contrary to special condition # 15.

On June 4, 17 and 25, 2015, U.S. probation officer Patrick Dennis directed Mr. Delano to avail himself for a substance abuse evaluation and counseling as required. At this time, the offender has failed to participate in a substance abuse evaluation and/or treatment.

3 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Kenneth Delano violated conditions of his supervised release by consuming methamphetamine on or about July 7, 2015, contrary to special condition # 16 of his supervised release.

On July 7, 2015, Mr. Delano reported as directed to the U.S. Probation Office for a random urine test. The sample showed a presumptive positive reading for cocaine, methamphetamine, and opiates. Subsequently, the above-referenced specimen was sent to the lab for confirmation.

Prior to the collection of the sample, the offender adamantly denied consuming any controlled substance. Eventually, he admitted consuming methamphetamine on or about July 5, 2015. He also admitted to consuming opiate-based medication that was not prescribed to him. When questioned by U.S. probation officer Charles Kuipers, the defendant indicated that he used prescription medication to come down from his continued methamphetamine use. Mr. Delano signed an Admission of Drug Use form.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/07/2015

s/Tommy Rosser

Tommy Rosser  
Supervising U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

July 8, 2015

Date